

**COUNTY OF SAN DIEGO
ADMINISTRATIVE MANUAL**

SUBJECT: SELECTION PROCESS APPEALS

ITEM
NUMBER **0080-04-12**

DATE: JUNE 27, 2011

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Purpose

To provide for a timely and orderly method for the Commission to process selection process appeals.

Background

1. Civil Service Rule 10.1 provides for the right of appeal as follows:
 - A. An affected applicant or employee may appeal to the Commission any component of the selection process or any determination of the Director relating to the selection process and may be granted a hearing subject to the conditions contained within section 10.4. This could include, but is not limited to, the establishment of job qualifications, the examination procedures, the certification process, and the appointing authority's selection process.
2. Rule 10.2 describes the request for hearing as follows:
 - A. After filing a complaint with the Director (Rule II and Rule III) about any part of the selection process and the Director having made a determination, an applicant or employee may file an appeal with the Civil Service Commission. This would not preclude an appeal to the Commission relating to the appointing authority's selection process.
 - B. The applicant or employee must file a 'Petition to Appeal Selection Process' form with the Commission within fifteen (15) days from the date of the receipt of notification from the Director or the appointing authority of the action being appealed.

Procedure

1. The "Petition to Appeal Selection Process" form will normally be furnished to the petitioner by DHR following their denial of request. However, forms may also be obtained from the Commission Office and are available on the Commission's website.
2. The petitioner must adhere to the filing deadlines within Rules II, III and X.
3. The Commission may, at its discretion, grant a hearing or make its decision based on the merits of the parties concerned and as expressed in the Commission's staff report.
4. The Commission will timely set a date for hearing, if granted.
5. The Commission may, pending conduct of hearing, order an examination held in abeyance until a final decision is made.
6. Appeals filed after the specified time period will not be considered by the Commission unless good cause for lateness is shown.

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7. Appeals may be considered on all aspects of the selection process, including failure on background checks, rating of applications, etc.
8. In cases where the Commission appoints one of its members to conduct a hearing, the session will be recorded. The appellant and department representatives will be sworn in and given an opportunity to state their positions. Cross examination by both parties will be permitted.
9. Subsequent to the hearing, the hearing officer will present the findings at a public Commission meeting.
10. The decision of the Commission shall be final and there will be no reconsideration.

Approved:



Walter F. Ekard
Chief Administrative Officer

Responsible Department(s):

Civil Service Commission (Approved 6/1/2011)

Concurring Department(s):

Department of Human Resources